

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

**STIPULATED AGREEMENT NO. 1120**

705-0023

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), the Larkinsburg Township ("LARKINSBURG"), Oskaloosa Township ("OSKALOOSA"), Songer Township ("SONGER"), (LARKINSBURG, OSKALOOSA and SONGER Townships collectively referred to as "TOWNSHIPS"), Clay County ("COUNTY"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the structures carrying the Company's tracks, all located in Clay County, Illinois over:

1. 1775N/Township Road (TR) 51 highway near Edgewood, Larkinsburg Township (AAR/DOT #295 095A, milepost 3.63-U; IDOT Structure Number 013-9905),
2. 1690N/TR 67, highway near lola, Larkinsburg Township (AAR/DOT #295 097N, milepost 4.46-U; IDOT Structure Number 013-9906),
3. County Highway (CH) 22, highway near lola (AAR/DOT #295 106K, milepost 9.44-U; IDOT Structure Number 013-9904),
4. 900N/TR 255, highway near lola, Oskaloosa and Songer Townships (AAR/DOT #295 114C, milepost 12.57-U; IDOT Structure Number 013-9912);  
and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1, A-2, A-3, and A-4, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order

according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Lowering the pavement of the 1775N (TR 51) roadway to provide a minimum of 14.5 feet (14.5') of vehicular clearance under the existing structure (ISN 013-9905). See Exhibit B-1.
- (b) Lowering the pavement of the 1690N (TR 67) roadway to provide a minimum of 14.5 feet (14.5') of vehicular clearance under the existing structure (ISN 013-9906). See Exhibit B-2
- (c) Lowering the pavement of the CH 22 roadway to provide a minimum of 14.5 feet (14.5') of vehicular clearance under the existing structure (ISN 013-9904). See Exhibit B-3.
- (d) Lowering the pavement of the 900N (TR 255) roadway to provide a minimum of 14.0 feet (14.0') of vehicular clearance under the existing structure (ISN 013-9912). See Exhibit B-4.

Section 3 The County, on behalf of the Townships, has prepared preliminary plans and preliminary estimates of cost, attached hereto as Exhibits B-1, B-2, B-3 and B-4, to accomplish the proposed safety improvements, which they may be required to perform.

The County, on behalf of the Townships, shall upon Order, according to the requirements contained therein, prepare and submit duplicate copies of construction drawings and plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission, the Company and the Department. The County agrees that an appropriate time for the submission of construction drawings and plans and estimates of cost should be six (6) months from the date of a Commission Order subsequent to this Agreement.

The Company and the Department shall notify the Commission within thirty (30) days after each has received the construction drawings and plans, estimates of cost and any required specifications for the proposed improvements from the Company. The Company and the Department shall also provide written notice to the Commission within thirty (30) days after each has approved the construction drawings and plans, estimates of cost and any required specifications for the proposed improvements.

**Section 4** The Townships and/or the County shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order subsequent to this Agreement.

**Section 5** The parties agree that an equitable division of cost for the proposed improvements should be as follows:

**COST DIVISION TABLE:**

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Improve vertical clearance at 1775N/TR 51	\$44,464	(60%) \$26,678 <sup>1</sup>	(40%) Remainder <sup>2</sup>	\$0	\$0
Improve vertical clearance at 1690N/TR 67	\$79,087	(60%) \$47,452 <sup>1</sup>	(40%) Remainder <sup>2</sup>	\$0	\$0
Improve vertical clearance at CH 22	\$124,063	(60%) \$74,438 <sup>1</sup>	(40%) Remainder <sup>3</sup>	\$0	\$0
Improve vertical clearance at 900N/TR 255	\$62,428	(60%) \$37,457 <sup>1</sup>	(40%) Remainder <sup>4</sup>	\$0	\$0
<b>TOTALS</b>	<b>\$310,042</b>	<b>\$186,025<sup>1</sup></b>	<b>\$124,017</b>	<b>\$0</b>	<b>\$0</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$186,025; any installation costs above the estimated amount of \$310,042 will be divided between the GCPF and the Townships and/or the County in the same percentages noted above, upon submittal and review of evidence to support the additional cost and approval by the Commission.

<sup>2</sup> Larkinsburg Township responsible for all future maintenance costs associated with the highway improvements.

<sup>3</sup> Clay County responsible for all future maintenance costs associated with the highway improvements.

<sup>4</sup> Oskaloosa and Songer Township responsible for all future maintenance costs associated with the highway improvements.

**Section 6** The Townships and the County are financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibits C-1, C-2, C-3, and C-4.

**Section 7** Special Provisions: Since the roadway improvements will be performed by Township and/or the County or their contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction", Section 107.

The Company and the County (on behalf of the Townships) shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D-1 and D-2, along with this executed Agreement.

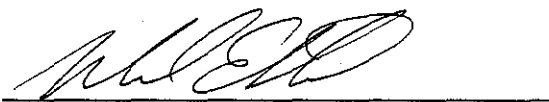
The Townships and/or the County, or their designated representative, shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit D-2, regarding the progress it has made toward completion of the work herein required. Each Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Townships or County Project Manager(s).

All bills authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the District Seven (7) Office of the Department at 400 West Wabash, Effingham, Illinois 62401. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

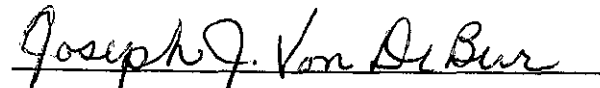
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 2<sup>nd</sup> day of **March 2005**.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Joseph J. Von De Bur  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1120 concerning public safety improvements at the structures carrying the Company's tracks over ;

1. 1775N/Township Road (TR) 51 highway near Edgewood, Larkinsburg Township, designated as crossing AAR/DOT 295 095A, milepost 3.63-U, and IDOT Structure Number (ISN) 013-9905,
2. 1690N/TR 67, highway near lola, Larkinsburg Township, designated as crossing AAR/DOT 295 097N, milepost 4.46-U, and ISN 013-9906,
3. County Highway (CH) 22, highway near lola, designated as crossing AAR/DOT 295 106K, milepost 9.44-U, and ISN 013-9904,
4. 900N/TR 255, highway near lola, Oskaloosa and Songer Townships, designated as crossing AAR/DOT 295 114C, milepost 12.57-U, and ISN 013-9912,

all located in Clay County, Illinois.

Executed by the Department this 8th day of March 2005.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modera  
Director of Highways

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all located in Clay County, Illinois.

Executed by the Company this 10th day of MARCH 2005.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladue

Paul E. Ladue  
Region Manager  
Contracts & Administration

Witness:

T.R. Zing

APPROVED AS TO FORM	
Materials Management	
Engineering	<u>T.R. Zing</u>
Accounting	
Law	
EXECUTION	
Law	

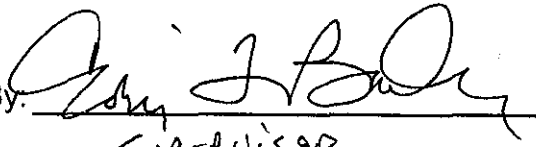
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all located in Clay County, Illinois.

Executed by Larkinsburg Township this 22<sup>nd</sup> day of April 2005.

LARKINSBURG TOWNSHIP

By:   
SUPERVISOR

Attest:



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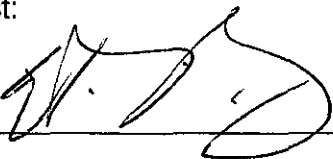
all located in Clay County, Illinois.

Executed by Oskaloosa Township this 16 day of March 2005.

OSKALOOSA TOWNSHIP

By: Jesse Bonham

Attest:



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all located in Clay County, Illinois.

Executed by Songer Township this 9<sup>th</sup> day of March 2005.

SONGER TOWNSHIP

By: Darrell Allen

Attest:

[Signature]

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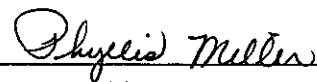
Executed by the County this 12th day of April 2005.

CLAY COUNTY

By: \_\_\_\_\_

  
Eric T. Seibring, P.E.  
Clay County Engineer

Witness:

  
Phyllis Miller  
Clay County Clerk

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT – CROSSING DATA FORM  
EXISTING RAILROAD OVER HIGHWAY  
STRUCTURE NO. 013-9905**

**GENERAL INFORMATION:**

<b>RAILROAD</b>	Illinois Central Railroad Company
<b>USDOT#, MILEPOST</b>	295 095A, 3.63-U
<b>STREET, CITY, COUNTY</b>	1775N/Township Road (TR) 51, Near Edgewood, Clay County
<b>JURISDICTION (RDWY)</b>	Larkinsburg Township/Clay County
<b>LOCATION</b>	Rural, Agricultural

**ROADWAY DATA:**

<b>SURFACE</b>	Two-Lane, Two-Way, East-West, 16-Foot, Oil and Chip Roadway with 2-Foot Aggregate Shoulders
<b>ADT &amp; SPEED</b>	Existing: 50 Vehicles Per Day @ 30 MPH 2012: 75 Vehicles Per Day @ 30 MPH
<b>TRAFFIC TYPE</b>	Passenger, Possible Hazmat, Possible Emergency Response (Current low clearance of approximately 12'-8" limits traffic types)

**RAILROAD DATA:**

<b>TRACKS &amp; DIRECTION</b>	1 Set of North-South Tracks
<b>FREIGHT TRAFFIC</b>	10 Trains Per day @ 50 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	None

**COMMENTS:**

See Exhibit A-1, Pages 4 & 5: Illinois Department of Transportation, Master Structure Report.

The existing structure is a 3-span, steel beam structure designed for railroad traffic. The current vertical clearance is sub-standard. Improvement of the vertical clearance is part of a larger program to replace or close all of the sub-standard structures on the Illinois Central Railroad Company line in Clay County.

**PROPOSED COST DIVISION:**

Larkinsburg Township/Clay County ----- 40%  
Grade Crossing Protection Fund ----- 60%

Page 2 --- Location Sketch

Page 3 --- Photographs

Page 4, 5 --- IDOT, Master Structure Report